



1997 SENATE BILL 98

February 26, 1997 - Introduced by Senators CLAUSING, RISSER, ROSENZWEIG and WIRCH, cosponsored by Representatives WALKER, HANDRICK, BOCK, DOBYNS, KREIBICH and L. YOUNG. Referred to Committee on Health, Human Services, Aging, Corrections, Veterans and Military Affairs.

1 **AN ACT** *to amend* 101.123 (4) (a) 2. and 101.123 (8) (a); and *to create* 101.123
2 (1) (hm) and 101.123 (2) (ar) of the statutes; **relating to:** prohibiting smoking
3 in the state capitol building and on the state capitol grounds and providing a
4 penalty.

Analysis by the Legislative Reference Bureau

Current law, with some exceptions, prohibits smoking in public conveyances, inpatient health care facilities, indoor movie theaters, offices and passenger elevators, retail establishments, public waiting rooms, enclosed indoor areas of buildings owned by local or state units of government, motor buses, hospitals, physicians' offices, day care centers, educational facilities that offer state-approved or state-licensed instruction for training and any restaurant whose seating capacity exceeds 50 persons and whose receipts from the sale of beer or liquor, or both, amount to 50% or less of the restaurant's receipts. In some instances, however, a person in charge of an area in which smoking is prohibited, or his or her agent, may designate smoking areas within the area over which the person has charge.

This bill expands coverage of the existing law to prohibit smoking in the state capitol building and on the grounds surrounding the capitol building. The bill also provides that no smoking areas may be designated in either the capitol building or on the grounds surrounding the capitol building.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 101.123 (1) (hm) of the statutes is created to read:

2 101.123 (1) (hm) "State capitol grounds" means the area surrounding the state
3 capitol building on the capitol park side of the 4 streets surrounding the state capitol
4 park.

5 **SECTION 2.** 101.123 (2) (ar) of the statutes is created to read:

6 101.123 (2) (ar) Notwithstanding par. (a) and sub. (3), no person may smoke
7 in the state capitol building or on the state capitol grounds.

8 **SECTION 3.** 101.123 (4) (a) 2. of the statutes is amended to read:

9 101.123 (4) (a) 2. A person in charge or his or her agent may not designate an
10 entire building as a smoking area or designate any smoking areas in the state capitol
11 building or on the state capitol grounds, in a motor bus, hospital or physician's office
12 or on the premises, indoors or outdoors, of a day care center when children who are
13 receiving day care services are present, except that in a hospital or a unit of a hospital
14 that has as its primary purpose the care and treatment of mental illness, alcoholism
15 or drug abuse a person in charge or his or her agent may designate one or more
16 enclosed rooms with outside ventilation as smoking areas for the use of adult
17 patients who have the written permission of a physician. Subject to this subdivision
18 and sub. (3) (b), a person in charge or his or her agent may not designate an entire
19 room as a smoking area.

20 **SECTION 4.** 101.123 (8) (a) of the statutes is amended to read:

